

## **REMARKS**

### **I. Status of the Claims**

Claims 1-10 were pending in the application prior to this amendment. Claims 1-9 stand rejected. Claim 10 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With this amendment, claims 1, 7 and 9 have been amended. Claims 2, 8 and 10 have been canceled without prejudice or disclaimer of any subject matter. No new matter has been introduced by this amendment.

### **II. Rejections under 35 U.S.C. § 101**

Claim 8 has been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

As indicated above, claim 8 has been canceled, rendering the rejections directed to claim 8 moot.

### **III. Rejections under 35 U.S.C. § 112**

Claims 1 and 7-9 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Specifically, the Office Action asserts that “‘the value being calculated from pixel values of the original image;’ conflicts with a value...resulting from gray level conversion of the original image. In the specification, the value results from the gray level converted image, not from the original image.”

Applicant respectfully submits that indeed, the Specification states “[t]he gray level conversion curve is defined on the basis of the contrast of the image resulting from gray level conversion of the original image.” However, the gray level conversion curve,  $F(d, c)(x)$  as defined by equation 3 is defined by calculating the contrast improvement factor,  $C(d)$  (equation 4), which is calculated based on  $f1(x, y)$ , which represents pixel values of the original image.

In view of the above, Applicant respectfully requests that the rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph now be withdrawn.

**IV. Rejections under 35 U.S.C. § 102 and § 103**

Claims 1, 2 and 5-7 have been rejected under 35 U.S.C. § 102(e) as being anticipated by US 2003/0107681 to Otawara, et al. (hereafter, "Otwara").

Claims 3, 4, 8 and 9 have rejected under 35 U.S.C. § 103(a) as being unpatentable over Otawara in view of "Digital Image Processing, 2E" (ISBN-10 0201180758, published: 11/09/2001) by Gonzalez, et al. (hereafter, "Gonzalez").

Applicant submits that independent claims 1, 7 and 9 have been amended to incorporate all of the limitations of allowable claim 10 and intervening claim 2.

Therefore, Applicant submits that independent claims 1, 7 and 9, as amended, are distinguishable from Otawara and Gonzalez.

Reconsideration and withdrawal of the rejections of claims 1, 7 and 9 under 35 U.S.C. §102(e) and §103(a) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Applicant has not specifically addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend, either directly or indirectly, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

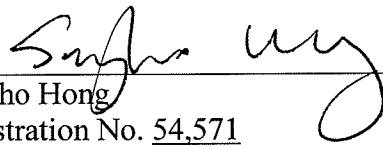
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5235. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 1232-5235. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: February 14, 2008

By: \_\_\_\_\_

  
Sungho Hong  
Registration No. 54,571  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101